

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THE KAY COMPANY, LLC, DIANA
KILE GREEN, Individually and
attorney-in-fact for the Heirs of Luther
E. Kile, THE H.A. ROBSON TRUST,
by EDWIN N. VINSON, Beneficiary &
Trustee of the H.A. Robson Trust,
DAVID H. DAUGHERTY, Trustee of the
H.A. Robson Trust, and MARY BLAIR
V. CHAPUISAT, Beneficiary of the H.A.
Robson Trust, H. DOTSON CATHER,
Trustee of Diana Goff Cather Trusts,
CLYDE EMERSON MCCLUNG,
Individually, and JAMES E. HAMRIC III,
Individually,

Plaintiffs,

v.

CIVIL ACTION NO. 2:06-0612
Honorable Joseph R. Goodwin

EQUITABLE PRODUCTION COMPANY,
a qualified Pennsylvania corporation;
EQUITABLE RESOURCES, INC.,
a Pennsylvania corporation;
STATOIL NORTH AMERICA, INC.,
a Delaware corporation;
STATOIL ENERGY, INC.,
a Virginia corporation;
STATOIL ENERGY HOLDINGS, INC.,
a Delaware corporation; and
ASHLAND OIL, INC.,
a Kentucky corporation,

Defendants.

**PLAINTIFFS' MOTION FOR ENLARGEMENT OF PAGE
LIMIT FOR RESPONSE IN OPPOSITION TO
DEFENDANT EQUITABLE RESOURCES, INC.'S MOTION TO DISMISS**

Come now the plaintiffs, by counsel, and, pursuant to Rules 7.1(a) and (c) of the Local Rules of Civil Procedure of the United States District Court for the Southern District of West Virginia, respectfully move the Court for an enlargement of the page limit for plaintiffs' response in opposition to defendant Equitable Resources, Inc.'s motion to dismiss.

In support of said motion, plaintiffs state the following:

1. On April 30, 2007, defendant filed a Motion to Dismiss Defendant Equitable Resources, Inc. Under Federal Rule of Civil Procedure 12(b)(6) together with a Brief in Support of said Motion as well as accompanying Exhibits.

2. Thereafter, on May 3, 2007, United States Magistrate Judge Mary Stanley entered an Order which, in part, ordered that the parties conduct some limited discovery relevant to such issues and directed the plaintiffs to serve a notice of deposition for designated agent(s) pursuant to Fed.R.Civ.P. 30(b)(6). Said Order also enlarged the time for plaintiffs to submit their response to such motion. Subsequently, on June 6, 2007, another Order was entered by Magistrate Judge Stanley which, in part, further enlarged the time period for plaintiffs' response.

3. The 20 page limit for memoranda in response to motions is insufficient for plaintiffs to fully and adequately respond to the facts and legal issues set forth in defendant's motion to dismiss and supporting brief and exhibits, particularly in light of the documents and information obtained by plaintiffs as a result of their notice for

depositions of Rule 30(b)(6) designated agents which was accompanied by production requests, as well as the limited testimony of the agents actually designated and produced by defendant. (Such testimony was limited due to the inadequate and incomplete knowledge of such witnesses concerning the facts, issues, and documents set forth in plaintiffs' Rule 30(b)(6) Notice; thereby raising additional issues to be briefed.)

4. Accordingly, plaintiffs respectfully submit that good cause exists for an enlargement of the page limit for plaintiffs' response in opposition to defendant Equitable Resources, Inc.'s motion to dismiss.

Therefore, for all the foregoing reasons, plaintiffs respectfully request that Your Honorable Court grant plaintiffs' motion for enlargement of the page limit for plaintiffs' response in opposition to defendant Equitable Resources, Inc.'s motion to dismiss.

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CERTIFICATE OF SERVICE

I, Marvin W. Masters, hereby certify that on June 8, 2007, I electronically filed "Plaintiffs' Motion for Enlargement of Page Limit for Response in Opposition to Defendant Equitable Resources, Inc.'s Motion to Dismiss" with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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I also hereby certify that on June 8, 2007, I mailed the foregoing "Plaintiffs' Motion for Enlargement of Page Limit for Response in Opposition to Defendant Equitable Resources, Inc.'s Motion to Dismiss" by First Class mail via the United States Postal Service to the following non-CM/ECF participants:

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